

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
MAY 15, 1990**

The one thousand six hundredth meeting of the Milwaukie City Council was called to order at 7:01 PM at the Milwaukie Center with the following Councilmembers present:

Roger Hall,
Mayor
Craig Lomnicki

Chere' Sandusky
Michael Richmond

Absent:

Councilmember Fitzgerald

Also present:

Dan R. Bartlett,
City Manager
Phil Grillo,
City Attorney
Charlene Richards,
Assistant to the
City Manager

Jerri Widner,
Finance Director
Pat DuVal,
Executive Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Nursing Home Week - Proclamation

Mayor Hall read a proclamation naming the week of May 13 through May 19 as *Nursing Home Week* in Milwaukie. He urged citizens to salute those who care for the elderly and to remember those living in nursing homes.

Safe Kids Week - Proclamation

Mayor Hall read a proclamation naming the week of May 14 through May 20 as *Safe Kids Week*. He urged citizens to support the aims, goals, and programs of the National Coalition to Prevent Childhood Injury for the benefit of the children.

Poppy Days - Proclamation

Mayor Hall read a proclamation naming May 23 - 26 as *Poppy Days* and urged all citizens to support the American Legion Auxiliary's efforts by wearing the memorial flower in remembrance of the nation's veterans.

Cynthia Cox and Miss Amy Cox were present from the American Legion Auxiliary to present poppies to the Mayor and Council.

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PUBLIC HEARING

Consideration of Amendment to Telephone Franchise Agreement - Ordinance

Mayor Hall opened the public hearing on consideration of a proposed ordinance increasing the telephone franchise fee to order at 7:08 PM.

Mayor Hall explained the purpose of the hearing was to consider a proposed ordinance which, if adopted would increase the telephone franchise fee paid by US West to the City of Milwaukie from 3% to 7% effective July 1, 1990.

Staff Report: Jerri Widner, Finance Director, presented the staff report in which the City Council as requested to adopt an ordinance amending Section 6 of the franchise agreement with Pacific Northwest Bell. She said this action was in response to certain telephone companies' successful lobbying of the Public Utility Commission in Oregon to exclude competitive products from franchise fees. Widner said cities that receive franchise fees from the telephone companies will lose revenues. US West provided an estimated franchise fee rate that would approximate the revenue as the current rate.

Audience Testimony: Jack Masterman, 8625 SE 31st, Concerned Citizen, expressed concern that the telephone company would raise citizen's telephone rates to cover the increase of franchise fees.

Mayor Hall said this would recoup lost revenues based on recent legislation, and no rate increases were anticipated.

Bartlett said that house bill 3000 adjusted the franchise process. All franchise fees would be passed through and clearly identified on customer billings.

Jim Backenstos, 3626 Harrison, said the City should not consider raising the franchise fees of a company which has been so willing to help citizens.

Questions of Clarification: None.

Close Public Testimony: Mayor Hall closed the testimony portion of the hearing on the telephone franchise fee at 7:15 PM.

Discussion among Councilmembers: Councilmember Richmond said he did not support the 7% increase.

Decision by the Council: It was moved by Councilmember Sandusky and seconded by Councilmember Lomnicki to read the ordinance amending an agreement of franchise date April 3, 1972 with Pacific Northwest Bell Telephone Co. for the first time by title only. Motion passed 3 - 1 with the following vote: Mayor Hall, Councilmember Lomnicki, and Councilmember Sandusky aye; Councilmember Richmond nay; no abstentions; Councilmember Fitzgerald absent. The ordinance was read the first time by title only.

The second reading of the ordinance will be considered at the June 5, 1990 meeting.

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Consideration of Municipal Code Amendment Regarding the Water Rate Process - Ordinance

Mayor Hall opened the public hearing on consideration of a proposed ordinance amending the procedure for review of the water rates charged by the City to order at 7:17 PM.

Mayor Hall explained that the purpose of the hearing was to consider a proposed ordinance which, if adopted, would change the procedure for reviewing the City's water rates. City Attorney Ramis drafted this ordinance after meeting with representatives of the Concerned Citizens group.

Staff Report: **Dan Bartlett**, City Manager, presented the staff report in which the City Council was requested to adopt an ordinance amending the procedure for review of the water rates charged by the City of Milwaukie. The ordinance will include a section regarding annual review of water rates; establishment of a sinking fund; and provision for public hearings on water fund supplemental budgets.

Mayor Hall suggested that section 3 be amended to read "In the event that" instead of "To the extent that."

Public Testimony: Al Liane, Concerned Citizens, supported the concept of a water sinking fund.

Jim Backenstos, Concerned Citizens, said his committee would cooperate with the City whether the revenue bond issue on the ballot passed or failed.

Questions of Clarification: None.

Close Public Hearing: **Mayor Hall** closed the public testimony portion of the hearing on the amendment of the water rate review process at 7:24 PM.

Decision by Council: It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to read the ordinance amending the Milwaukie Municipal Code regarding the water rate process for the first time by title only. Motion passed 4 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions; Councilmember Fitzgerald absent. The ordinance was read the first time by title only.

The second reading of the ordinance will be considered at the June 5, 1990 meeting.

AUDIENCE PARTICIPATION

Don Stogsdill, 3898 SE Wake St., spoke regarding the acquisition of Ardenwald Club property and requested information from City staff.

Ron Kinsella, 11957 SE 34th, announced the Milwaukie Festival Daze, June 22 - 24. He summarized the activities and invited Councilmembers to participate.

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Jim Backenstos, 3626 Harrison, suggested some amendments to the functions and requirements of the Citizens Utility Advisory Commission. He asked how the League of Oregon Cities billed Milwaukie for advise on the proposed Charter amendment. **Bartlett** said he would provide Backenstos with the figures. **Backenstos** said City staff should be able to develop a riverfront plan without the need for a consultant. He said he believed the Council should have upheld the appeal for the proposed boat sales facility on the Kronberg property because it would begin the revitalization process of the downtown area. Backenstos suggested that the police facility could house the public safety department and possibly structural safety.

OTHER BUSINESS**Consideration of City Participation in Metro Regional Parks and Natural Areas Project - Resolution**

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to adopt a resolution supporting the Metro Regional Parks and Natural Areas Project. He said the City has agreed to participate financially. Bartlett said City representatives had made some suggestions which were adopted by the project group.

It was moved by Councilmember Richmond and seconded by Councilmember Sandusky to adopt the resolution supporting continued governmental coordination in addressing parks and natural areas. Motion passed 4 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions; Councilmember Fitzgerald absent.

CONSENT AGENDA

It was moved by Councilmember Lomnicki and seconded by Councilmember Richmond to adopt the Consent Agenda which consisted of the City Council Minutes of May 1, 1990 and a liquor license application for Town Grocery. Motion passed 4 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstention; Councilmember Fitzgerald absent.

Councilmember Lomnicki requested a status report on the Community Policing program.

Mayor Hall announced a budget committee meeting on Thursday, May 17 at 4:00 PM at Linwood School Library.

Mayor Hall announced an Executive Session pursuant to ORS 192.660 after which the regular session would resume.

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In Executive Session, Dan Bartlett, City Manager, and Charlene Richards, Assistant to the City Manager reviewed the status of negotiations with IAFF. They also discussed the classification review of AFSCME positions. Bartlett advised the Council that Mr. Bailey had signed a resignation document.

Council came out of Executive Session and returned to the Council Chambers.

It was moved by Councilmember Sandusky and seconded by Councilmember Richmond to approve signing of a separation policy agreement with the former Public Works Director. Motion passed 4 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, and Councilmember Richmond; no nays; no abstentions; Councilmember Fitzgerald absent.

ADJOURNMENT

The meeting was adjourned at 9:12 PM.

